

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 15, 2016**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Karen Keys-Gamarra, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At Large

ABSENT: Julie M. Strandlie, Mason District
Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:20 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2015-DR-009, GULICK GROUP, INC., TO A DATE CERTAIN OF OCTOBER 19, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Hart seconded the motion, which carried by a vote of 10-0. Commissioners Lawrence and Strandlie were absent from the meeting.

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Commissioner Migliaccio said that the joint public hearing for PCA 82-L-030-13, PCA 87-L-031-03, SE 2015-LE-031, White Horse Four, LLC, was scheduled to be heard at the Planning Commission's meeting on Thursday, September 22, 2016. He then indicated that there had been issues with the advertising for these cases and additional time was needed to conduct outreach with the surrounding community; therefore, he announced his intent to defer the public hearing to a date to be determined.

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Commissioner Flanagan stated that SE 2016-MV-008, Constance K. Basoah/Constance Daycare Center, was scheduled for public hearing tonight, but the applicant had requested that the

application be withdrawn; therefore, he MOVED THAT THE PLANNING COMMISSION APPROVE THE WITHDRAWAL OF SE 2016-MV-008, CONSTANCE K. BASOAH/CONSTANCE DAYCARE CENTER.

Commissioners de la Fe and Sargeant seconded the motion, which carried by a vote of 10-0. Commissioners Lawrence and Strandlie were absent from the meeting.

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2232-L16-32 – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES,
Building Design Branch, 7245 Fullerton Road

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one “feature shown” this evening. I MOVE THAT THE PLANNING COMMISSION FIND THAT 2232-L16-32, TO INCLUDE RENOVATIONS AND ADDITION TO THE EXISTING DVS ALBAN MAINTENANCE FACILITY PROPOSED BY DPWES AND LOCATED AT 7245 FULLERTON ROAD, BE CONSIDERED A “FEATURE SHOWN”, PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to concur with the “feature shown” determination in 2232-L16-32, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Lawrence and Strandlie were absent from the meeting.)

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. CSP 2009-HM-019 – COMSTOCK RESTON STATION HOLDINGS, LLC
2. PFM AMENDMENT – CHAPTER 4, EXPANSIVE SOILS AND SLOPE STABILITY (Countywide)
3. PA 2013-I-MS1 – PLAN AMENDMENT (MERRIFIELD SUBURBAN CENTER INCLUDING DUNN LORING TRANSIT STATION AREAS) (Providence District)

4. PA 2014-IV-MV3 – PLAN AMENDMENT (HUNTINGTON TRANSIT STATION AREA (TSA), LAND UNITS C, D AND G) (Mount Vernon District)
5. PA 2015-IV-MV3 – PLAN AMENDMENT (PENN DAW CBC, LAND UNIT G (PT.) (Mount Vernon District)

This order was accepted without objection.

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CSP 2009-HM-019 – COMSTOCK RESTON STATION HOLDINGS, LLC – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2009-HM-019. Located at 1860 Wiehle Ave., 1886 and 1893 Metro Center Dr., Reston, 20190, on approx. 12.49 ac. of land zoned PDC. Tax Map 17-4 ((1)) 17A; 17-4 ((24)) 3 and 4B. HUNTER MILL DISTRICT. PUBLIC HEARING.

Commissioner Hart announced that he would recuse himself from participating in this case.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of CSP 2009-HM-019.

Jason Beske, Applicant's Agent, Cooley LLP, stated that the applicant had not prepared a presentation for the subject application, but indicated that he would answer additional questions by the Commission on the applicant's behalf.

Commissioner de la Fe stated that an issue had be raised regarding the presence of additional bicycle racks on the existing plaza on the site, noting that this feature had not been installed in accord with the proffers that had been included with the previously-approved rezoning for the site. He then asked when these bicycle racks would be installed. Mr. Beske indicated that the installation of this feature had been delayed and the applicant still intended to incorporate this feature in a timely manner.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: If not, public hearing is closed. Mr. de la Fe.

Commissioner de la Fe: Yes, could I have the applicant please come forward?

Chairman Murphy: Would you please come forward?

Commissioner de la Fe: Do you agree with the development conditions now dated September 14th, 2016?

Jason Beske, Applicant's Agent, Cooley LLP: Yes, we do agree with the conditions.

Commissioner de la Fe: Okay. Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2009-HM-019, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED SEPTEMBER 14TH.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to approve CSP 2009-HM-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

(The motion carried by a vote of 9-0. Commissioner Hart recused himself. Commissioners Lawrence and Strandlie were absent from the meeting.)

(End Verbatim Transcript)

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PUBLIC FACILITIES MANUAL AMENDMENT – CHAPTER 4, EXPANSIVE SOILS AND SLOPE STABILITY – To consider proposed revisions to the Fairfax County Public Facilities Manual (PFM), as follows: the proposed amendment to PFM Chapter 4 (Geotechnical Guidelines) would revise provisions in § 4-0300 (Geotechnical Report) and § 4-0400 (Construction Plans) related to the soil types that are expansive, the design of foundations and ground-supported floor slabs in areas with expansive soils, laboratory testing methodologies, global slope stability analyses, design criteria for retaining walls and clarification of terminology. Editorial corrections are also included. COUNTYWIDE. PUBLIC HEARING.

Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this item.

(Start Verbatim Transcript)

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Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Hart.

Commissioner Hart: Yes. Thank you, Mr. Chairman. Let me first say this is a fairly straightforward amendment and we are – staff is recommending approval and I – I agree with it. I agree with their recommendation. I, THEREFORE, MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENT TO CHAPTER 4 OF THE PUBLIC FACILITIES MANUAL, AS SET FORTH IN THE STAFF REPORT DATED JULY 26, 2016, AND I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE PROPOSED AMENDMENT SHALL BECOME EFFECTIVE AT 12:01 A.M. ON JULY 27, 2016 [sic].

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt this proposed County Code Amendment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Lawrence and Strandlie were absent from the meeting.)

(End Verbatim Transcript)

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PA 2013-I-MS1 – COMPREHENSIVE PLAN AMENDMENT
(MERRIFIELD SUBURBAN CENTER INCLUDING DUNN
LORING TRANSIT STATION AREAS) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 1,551 ac. generally located south of I-66, north of Woodburn Road, west of Holmes Run, and east of Long Branch Stream Valley and Prosperity Avenue (portions of Tax Maps 49-1, 49-2, 49-3, 49-4, 50-3, 59-1, 59-2.) The Plan amendment proposes factual corrections and clarifying, organizational, and other editorial updates to the Merrifield Suburban Center section of the Comprehensive Plan.

Recommendations relating to the transportation network may also
be modified. PROVIDENCE DISTRICT. PUBLIC HEARING.

On behalf of Commissioner Lawrence, Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and, in the absence of Commissioner Lawrence, recognized Commissioner Hart for action on this item.

(Start Verbatim Transcript)

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Chairman Murphy: The public hearing is closed. Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. This also is a straightforward Plan Amendment. The size of the staff report might convince you otherwise, but this is really updating and correcting some outdated terms. As staff indicated, the Amendment – as staff indicated in the staff report, staff indicated that the Amendment proposes revisions to the Comprehensive Plan guidance to ensure the guidance is updated to current conditions. The recommended revisions are essentially editorial and do not propose any land use or intensity changes for the area. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2013-I-MS1, AS FOUND IN ATTACHMENT 1 OF THE STAFF REPORT WITH THE ADDITIONAL EDITORIAL CLARIFICATIONS LISTED IN THE SEPTEMBER 15, 2016 HANDOUT.

Commissioners Hedetniemi and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2013-I-MS1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Lawrence and Strandlie were absent from the meeting.)

(End Verbatim Transcript)

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PA 2014-IV-MV3 – COMPREHENSIVE PLAN AMENDMENT
(HUNTINGTON TRANSIT STATION AREA (TSA), LAND
UNITS C, D AND G) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 6.32 ac. generally located at 2426 Huntington Ave., Alexandria, VA, 22303 (Tax Map Parcels 83-1 ((1)) 42 and 49A) in the Mount Vernon Supervisor District. The area is planned for up to 200,000 SF of office use and public facilities. The Amendment will consider residential use in line with the community and county's vision for development near transit stations (up to 360 dwelling units). Editorial amendments to reflect existing uses may also be made for 2451 Midtown Ave Apt. 101-1623 and 2301-2376 Huntington Station Ct., Alexandria, VA, 22303 (Tax Map Parcels 83-1 ((25)) All and 83-1 ((26)) All). Recommendations relating to the transportation network may also be modified. PA 2014-IV-MV3 is concurrently under review with Rezoning application RZ/FDP 2015-MV-008. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Kenneth Sorenson, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of PA 2014-IV-MV3.

Commissioner Flanagan stated that the Commission had received multiple inquiries on this proposed amendment and indicated that a handout from the Huntington Community Association addressing these inquiries had been distributed to Commissioners prior to the public hearing. (A copy of the handout is in the date file.)

Commissioner Flanagan explained the following:

- The Comprehensive Plan was amended in 1991 to recommend an office development on the subject property with a height limitation of 90 feet on the side abutting the Yellow Line Metrorail track, which would taper to a lower height to minimize the impact on neighboring residential communities;
- The Comprehensive Plan was subsequently amended in 2000 to accommodate a mixed-use development on Parcel 26, which was located to the south of the subject property, with a maximum building height of 150 feet alongside the Yellow Line Metrorail track that would then taper to 40 feet;
- The existing Plan text retained the recommendations for an office development on the site, but the proposed Amendment would create an additional option for a mixed-use development in a manner similar to the previously-approved development on Parcel 26;

- The subject property was approximately 11.5 feet above sea level and had been subject to flooding, but the installation of a levy along Cameron Run would mitigate this issue;
- The existing townhouse development to the south and east of the site included building heights of approximately 40 feet with an overall elevation of approximately 52.5 feet above sea level;
- The mixed-use development option articulated within the proposed Amendment contained provisions to ensure there would be sufficient space between the development and the existing townhomes to the south and east; and
- The building height of the portion of this mixed-use development option would not exceed 40 feet on the portion of the site located near the existing townhomes to minimize the impact on this community.

Commissioner Migliaccio asked whether the provisions of the mixed-use development option articulated in the proposed Amendment were sufficient to ensure that there would be minimal encroachment on existing Resource Protection Areas and Environmental Quality Corridors. Meghan Van Dam, Planning Division, DPZ, indicated that applicants seeking to exercise the proposed mixed-use option would be required to submit a rezoning application and encroachment into these areas would be required to comply with County policies. Ms. Van Dam stated the following:

- The proposed Amendment did not preclude encroachment into environmentally sensitive areas;
- The proposed Amendment included provisions to mitigate the environmental impact of this development;
- The building height limits would be increased on certain portions of the subject property to provide flexibility to prospective applicants to ensure that the impact of a mixed-use development on environmentally-sensitive areas was minimal; and
- The building height limits for a mixed-use development on the site had not been a significant issue during staff's discussions with prospective applicants on a possible rezoning for the site.

Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Merri Godlin, 2451 Midtown Avenue, Unit 1104, Alexandria, spoke in opposition to the proposed amendment and then listed the following concerns:

- The size and maximum building height of the proposed mixed-use development option was excessive and would incur a negative impact on neighboring residential communities;
- The proposed Amendment did not include provisions to ensure that there would be a sufficient buffer between a mixed-use development on the site and the neighboring residential communities;
- The installation of a mixed-use development on the site would reduce the amount of green space in the area and incur a negative visual impact on neighboring residents;
- The proposed Amendment did not include provisions that sufficiently depict the visual impact of a mixed-use development on the site; and
- The installation of a mixed-use development would obstruct existing pedestrian paths and planned trails.

(A copy of Ms. Godlin's statement is in the date file.)

Commissioner Flanagan added that staff had concluded that the proposed Amendment included provisions to ensure that such issues would be addressed during the rezoning process. A discussion ensued between Commissioner Flanagan and Ms. Godlin regarding the status of a rezoning application on the site, the amount of time that Ms. Godlin had been living on her property, the extent to which she had been informed about the development plans for the subject property, the need for development in the area, and the accessibility of the planned trails in the area by neighboring residents wherein Commissioner Flanagan indicated that there would be additional coordination between staff and the neighboring community during the review process for a rezoning application.

Art Ovalle, 2451 Midtown Avenue, Unit 1101, spoke in opposition of the proposed Amendment. He expressed concerns regarding the viability of a mixed-use development on the site due to the soil conditions of the land, noting its proximity to Cameron Run. He also indicated that he had signed the petition opposing the proposed Amendment that had been included in Ms. Godlin's statement. In addition, Mr. Ovalle said that there had not been sufficient communication between staff, the surrounding community, and prospective applicants regarding planned development on the site and recommended that additional outreach be conducted to address the community's concerns. He stated that he did not object to redeveloping the site, but expressed concern regarding the height of such a redevelopment and the associated impact on neighboring communities, adding that the community had not received sufficient information on height limits.

Commissioner Flanagan suggested that Mr. Ovalle attend the community meetings that would be conducted during the evaluation of the rezoning application for the subject property, adding that his concerns would be addressed during the rezoning process.

Sara Mariska, 2200 Clarendon Boulevard, Suite 1300, representing Walsh, Colucci, Lubeley & Walsh, PC, said that she was speaking on behalf of a prospective applicant for redeveloping the site. She described the history of the proposed Plan Amendment, noting that it had been authorized in December 2014. She acknowledged the constraints of the site, noting the issues pertaining to the grade of the site, the presence of environmentally sensitive features, and the construction of a levy. Ms. Mariska also noted that a redevelopment of the site could possibly encroach onto environmentally sensitive areas, but indicated that this area would be subject to significant modifications after the construction of the levy was completed. In addition, she indicated that a redevelopment of the site could be implemented in a manner that supplemented the impact of the levy and improved the stormwater management of the area to mitigate flooding. Ms. Mariska pointed out that staff, the surrounding community, and the Mount Vernon Council did not object to the proposed Amendment's recommendation for a maximum building height of 40 to 50 feet for structures located on the eastern portion of the site. She added that significant community outreach would be conducted during the rezoning process to address outstanding concerns regarding the impact of a proposed development on the site. Ms. Mariska also indicated that designs of a mixed-use development on the site could include approximately 50 percent open space, adding that there would be sufficient space between such a development and the existing residential development to the south and east. She then noted that the existing recommendations of the Comprehensive Plan permitted an office development with a maximum building height of 90 feet and the option that would be included under the proposed Amendment was a significant reduction, adding that the height of such a development would be consistent with the height of existing development in the area.

A discussion ensued between Commissioner Flanagan and Ms. Mariska regarding the potential locations for open space on the site that would be included if the mixed-use development option articulated in the proposed Amendment were implemented wherein Ms. Mariska indicated that the designs for such a development and the associated open space had not been finalized.

There being no more speakers, Chairman Murphy called for closing remarks from Mr. Sorenson, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this item.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. First, I'd like to be sure that the communications that have had from the Huntington community and their request, which the Board of Supervisors has to take into consideration, primarily, the opinions of the staff and that community. And so that's what – I have been following those instructions. And the original resolution of the homeowners association in July was recommending 40 feet for the height of the

building on – abutting their properties and then they had a resolution that they – is adopted on page 3 of my handout that, once again, changed that to 40 to 50 feet – between 40 to 50 feet. So, consequently, my motion will be taking into consideration the latter position of the community. So thank – so with that having accepted as part of the record – my motion is, despite a rezoning in 1991 to permit an office building on tax map parcels 83-1 ((1)) 42 and 49A, they have, however, remained vacant. Plan Amendment 2014-IV-MV3 would support an alternative option for these parcels for residential development that is in line with the community and the County's vision for the development near transit stations, as per the Board's directive. Planning and Zoning staff, the Huntington Community Association, and the Mount Vernon Council of Citizens Association have met at various points to identify both the community and the County's vision for development within the Huntington Transit Station Area related to this subject property. The current proposal provides an opportunity for development in the area with access to natural amenities, transit proximity, and improved stormwater management for the Huntington neighborhood while preserving the integrity of adjacent residential neighborhoods which, by the way, happen to be conservation neighborhoods. Therefore, I believe the Planning Commission should recommend adding an option to Comprehensive Plan for a residential development up to a maximum of approximately 360 dwelling units on the subject property, as per the staff recommendation, with a minor modification that – about the maximum building height. I've included proposed language in the support of this Amendment below. And so, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A PLANNING COMMISSION ALTERNATIVE FOR PLAN AMENDMENT 2014-IV-MV3, AS FOUND ON PAGES 1 THROUGH 6 OF MY HANDOUT DATED SEPTEMBER 15, 2016.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion made by Mr. Flanagan to recommend to the Board of Supervisors to adopt PA 2014-IV-MV3 alternative, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Lawrence and Strandlie was absent from the meeting.)

(End Verbatim Transcript)

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PA 2015-IV-MV3 – COMPREHENSIVE PLAN AMENDMENT
(PENN DAW CBC, LAND UNIT G (PT.)) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 5.2 ac. located at 2622, 2700, and

2716 Fairview Drive, and 6319, 6321, 6325, 6329 Richmond Highway and generally located on the east side of Richmond Highway and on the north side of Fairview Drive (Tax Map Parcels 83-3((1)) 18, 19 and 20.) The area is planned for community-serving retail uses at an intensity up to 0.50 floor area ratio (FAR) for Tax Map Parcel 83-3((1))20 (pt.) and residential use at a density of 3-4 dwelling units per acre for Tax Map Parcels 83-3((1))18, 19 and 20 (pt.). There is an option that supports a concurrent review of a Plan amendment and zoning application to examine redevelopment potential and possible consolidation of Tax Map parcels 83-3((1))18, 19 and 20. This amendment will consider multifamily residential use with up to 375 dwelling units and up to 7,500 square feet of supporting retail uses. Recommendations relating to the transportation network may also be modified. PA 2015-IV-MV3 is concurrently under review with Rezoning application RZ/FDP 2016-MV-002. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Aaron Klibaner, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of PA 2015-IV-MV3.

Referring to the Urban Parks section on page 7 of the staff report, Commissioner Migliaccio pointed out that the proposed Amendment would discourage the installation of dog parks around the subject property. He then expressed concern regarding the absence of a dog park or dog-walking area if a multi-family residential development were constructed on the site. Mr. Klibaner indicated that there were existing park facilities near the site that could accommodate dog-walking. A discussion ensued between Commissioner Migliaccio and Meghan Van Dam, Planning Divisions, DPZ, regarding the location of future dog parks in the area wherein Ms. Van Dam noted that issues, such as dog-walking, would be addressed during the rezoning process.

Referring to the top paragraph on page 4 of the staff report, Commissioner Sargeant said that the proposed Amendment contained language recommending that redevelopment on the subject property should not preclude features consistent with that of a transit-oriented development. He then expressed concern that the provisions of this language were not sufficiently articulated. Ms. Van Dam explained that there was existing Plan text in other sections of the Comprehensive Plan that articulated these provisions, including specifications on building heights, massing, and tapering towards residential areas. Commissioner Sargeant suggested that these existing provisions be referenced in conjunction with the language in the proposed Amendment. A discussion ensued between Commissioner Sargeant and Ms. Van Dam regarding the criteria for appropriately designed transit-oriented development, the provisions included in the proposed Amendment for a multifamily residential development on the site, and the extent to which these provisions accommodated the criteria for transit-oriented development wherein Commissioner Sargeant reiterated his suggestion to reference other sections of the Comprehensive Plan within the proposed Amendment to articulate the design and features of such a development.

Referring to the Expansion of the Penn Daw Community Business Center section of Page 4 of the Staff Report, Commissioner Sargeant asked whether the adjacent low-density residential neighborhoods were considered part of a Commercial Revitalization District. Ms. Van Dam indicated that these neighborhoods were not part of this area. Commissioner Sargeant then asked whether these neighborhoods would be exempt from the State of Virginia's legislation regarding proffers, as amended on July 1, 2016. Ms. Van Dam stated that a rezoning application for this site had been filed prior to the implementation of this legislation and, therefore, would not be subject to such legislation. Commissioner Sargeant also pointed out that prospective applicants pursuing the multifamily residential option included in the proposed Amendment would likely be required to proffer funds for school expansion in the surrounding area to accommodate the increased enrollment generated by such a development.

Commissioner Flanagan addressed Commissioner Migliaccio's concerns regarding the absence of dog parks in the surrounding area, pointing out that there were two dog park facilities within the Mount Vernon District and these facilities were located within rural areas. He also noted that the area around the subject property was urban and dog parks were not typically located in urban areas. A discussion ensued between Commissioner Migliaccio and Commissioner Flanagan regarding the park areas around the subject property that could accommodate dog-walking.

Commissioner Flanagan explained that the Yellow Line Metro currently terminated at Huntington, but there were ongoing discussions with the Embark Richmond Highway program to expand this line farther south, which would install a station near the subject property. He added that efforts to redevelop the area around the subject property were intended to create sufficient development to warrant such an expansion.

Chairman Murphy called the first listed speaker.

Riley Jacobs, 6343 South Kings Highway, Alexandria, representing Fairfax Alumni Chapter of Kappa Alpha Fraternity Inc., spoke in support of the proposed Amendment, but expressed concern regarding the impact that the recommended development would incur on the tax assessment of neighboring properties after this development was implemented. In addition, he described the charitable activities of his organization.

Commissioner Migliaccio suggested to Mr. Jacobs that he contact the office of Lee District Supervisor Jeffrey McKay to address his concerns regarding the tax assessment impact on his organization's property.

Joshua Delmonico, 6613 Oak Drive, Alexandria, representing the Spring Bank Community Association (SBCA), deferred to William Brinley, 2495 Dawn Drive, Alexandria, Vice President of SBCA, who expressed support for the proposed Amendment. He indicated that the SBCA had been coordinating with the County and a prospective applicant to address the concerns of the surrounding community. He also noted that the community favored pedestrian-friendly development in the area and the provisions of the proposed Amendment were consistent with such development. In addition, Mr. Brinley said that the community would continue coordinating with staff and prospective applicants during the rezoning process.

Chairman Murphy called for speakers from the audience.

Sara Mariska, 2200 Clarendon Boulevard, Suite 1300, Arlington, representing Walsh, Colucci, Lubeley & Walsh, PC, said that she was speaking on behalf of a prospective applicant. She echoed remarks from Mr. Brinley regarding the coordination efforts between the surrounding community and her client. She also pointed out the need for redeveloping the site, noting the condition of the existing commercial development. In addition, Ms. Mariska requested that the language in the third bullet point on Page 9 of the Staff Report be modified to remove the word “direct” from the phrase, “direct access.” She then explained that direct connections were sometimes unfeasible in a redevelopment and removing this word would provide greater flexibility to prospective applicants. She also stated that her client favored utilizing multi-modal connectivity throughout the surrounding area, adding that the existing pedestrian connections around the site were insufficient. Ms. Mariska indicated that her client and the surrounding community did not support the installation of the public street articulated in the fourth bullet on page 9 of the staff report because such a street would increase the amount of cut-through traffic in the community. She then said that she favored a redevelopment of the site that did not preclude such a street, but would not implement such a feature until the adjacent property to the north was also redeveloped. Ms. Mariska also said that she favors revisions to the language proposed Amendment regarding the parking facilities that would ensure that such facilities would be aesthetically pleasing. In addition, she stated that the proposed Amendment had the support of the SBCA and the Mount Vernon Council of Citizens Association.

A discussion ensued between Commissioner Flanagan and Ms. Mariska, with input from Mr. Brinley, regarding the SBCA’s support of the proposed Amendment, the concerns that had been raised by the Spring Bank Community, and the requested revisions articulated in Ms. Mariska’s testimony wherein Ms. Mariska indicated that the community supported these revisions and Mr. Brinley concurred with Ms. Mariska’s statement, adding that other issues, such as cut-through traffic, would be addressed during the rezoning process.

Commissioner Flanagan noted that the Board of Supervisors’ public hearing for the proposed Amendment was scheduled for Tuesday, October 18, 2016, which provided additional time to address other concerns raised by the surrounding community.

A discussion ensued between Commissioner Migliaccio and Ms. Van Dam regarding the impact that the proposed Amendment would incur on the ongoing efforts of the Embark Richmond Highway program and the impact the requested revisions articulated in Ms. Mariska’s testimony would incur on the surrounding community wherein Ms. Van Dam indicated the following:

- The timeframe for redeveloping the subject property was different than that of the Embark Richmond Highway program;
- The proposed Amendment would not preclude the necessary improvements prescribed by the Embark Richmond Highway program;

- The revisions proposed by Ms. Mariska, on behalf of her client, were supported by staff, but staff still favored retaining the phrase “direct access” in the third bullet point on Page 9 of the Staff Report; and
- The issue regarding the use of the phrase “direct access” had not been sufficiently reviewed by staff.

When Commissioner Migliaccio asked about the Commission’s intent for rendering a decision on the proposed Amendment, Commissioner Flanagan indicated that he intended to move to adopt this item.

A discussion ensued between Commissioner Migliaccio and Thomas Burke, Transportation Planning Division, Fairfax County Department of Transportation, with input from Ms. Van Dam, regarding the impact that the removal of the word “direct” from the phrase “direct access” in the third bullet point on Page 9 of the Staff Report, the extent to which staff supported such a revision, and the reasons why staff favored retaining the original language wherein Mr. Burke echoed remarks from Ms. Van Dam regarding staff’s support of the original language, but Ms. Van Dam also reiterated that this issue had not been sufficiently reviewed by staff.

When Commissioner Migliaccio asked whether the Commission intended that “direct” be removed from the phrase “direct access” in the third bullet point on Page 9 of the Staff Report, Commissioner Flanagan indicated that he did not intend to include such a revision in his motion to approve the proposed Amendment. Ms. Mariska acknowledged that staff and Commissioner Flanagan did not support this revision.

Commissioner Hart expressed concern regarding the request to remove the word “direct” from the phrase “direct access” in the third bullet point on Page 9 of the Staff Report, explaining that such a revision could hinder the construction of access to future developments in the area. He also expressed concern that the revised language supported by staff was not sufficiently clear and did not contain provisions to ensure sufficient access points to the parcels surrounding the subject property. When he asked for additional information about staff’s support of this revised language, Ms. Van Dam reiterated that staff did not object to this language, adding that issues pertaining to access to neighboring sites would be addressed during other parts of the review process. A discussion ensued between Commissioner Hart and Ms. Van Dam regarding the impact of these revisions on future access points and right-of-way dedication that would be implemented under a redevelopment of the site and the impact that Ms. Mariska’s requested revision would incur wherein Ms. Van Dam indicated that the revisions would primarily impact the timeframe for when such features would be finalized and reiterated that staff had not sufficiently evaluated the impact of Ms. Mariska’s requested revision. Commissioner de la Fe said that he concurred with Commissioner Hart’s concerns, explaining that he favored retaining language in the proposed Amendment that ensured that sufficient access and right-of-way dedication be included in a redevelopment of the site.

Commissioner Sargeant expressed concern regarding the documentation of the revisions to the proposed Amendment that staff favored, noting that the final revisions had not been sufficiently articulated to the Commission.

Commissioner Flanagan reiterated his intent to move to approve the proposed Amendment with the revisions requested by staff, adding that the provisions of this Amendment and the efforts of the Embark Richmond Highway program would facilitate the redevelopment of the surrounding area in a manner similar to that implemented in Tysons Corner. He then indicated that the revisions requested by staff were intended to ensure that dedication of right-of-way and access points would be included in a redevelopment of the site, but noted that the timeframe for such dedications and the provisions that would be included in Embark Richmond Highway had not been finalized. A discussion ensued between Commissioner Migliaccio and Commissioner Flanagan regarding the impact that this revised language would incur on the implementation of necessary street networks to implement the Embark Richmond Highway program, the concerns of the Spring Bank community on the traffic impact of these street networks, and the language that would be moved on by the Commission.

Commissioner Sargeant suggested that the Commission defer the decision only on the proposed Amendment to permit additional time for the Commission to review staff's revisions. Commissioner Flanagan said that he did not object to such a deferral.

There being no more speakers for this application, Chairman Murphy called for a rebuttal statement from Mr. Klibaner, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this item.

(Start Verbatim Transcript)

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Chairman Murphy: All right. Public hearing is closed. Mr. Flanagan.

Commissioner Flanagan: Yes. Thank you, Mr. Chairman. Given the prior discussion of this public hearing, which is the reason why we have public hearings, is to disclose such matters and take the proper course of action. I MOVE THE DEFERRAL OF PLAN AMENDMENT 2015-IV-MV3, THE FINAL DECISION ON THAT, WITH THE RECORD REMAINING OPEN UNTIL THE – one week would be which? 21st? The 22nd. Make it the 22ND.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to...

Commissioner Migliaccio: Mr. Chairman, can I just – on record, I would like to thank Mr. Flanagan for deferring this, so we can get clarification from staff because in the end, if staff comes up with something – some language or some rationale, I may be able to move my vote to a yes on that one.

Commissioner Flanagan: Okay.

Commissioner Migliaccio: But thank you, Mr. Flanagan.

Commissioner Flanagan: Thank you.

Chairman Murphy: All those in favor of the motion to defer the decision only on PA 2015-IV-MV3 to a date certain of September 21st-

Commissioner de la Fe: -2nd.

Commissioner Hart: 2nd, 22nd.

Chairman Murphy: -22nd, excuse me, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioners Lawrence and Strandlie was absent from the meeting.)

(End Verbatim Transcript)

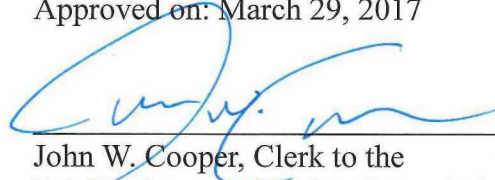
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The meeting was adjourned at 9:56 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: March 29, 2017



John W. Cooper, Clerk to the
Fairfax County Planning Commission